

CLAYMAN LAW GROUP

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June 5, 2020

Via ECF

Hon. Andrew L. Carter, Jr.
U.S. District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: Moore, et al. v. Cohen, et al., 1:19-cv-4977-ALC and the Court's Order of May 29, 2020 Addressing Two (2) Issues

Dear Judge Carter:

Pursuant to Your Honor's Order of May 29, 2020 concerning "(1) [t]he status/existence of Yerushalayim TV at the time Plaintiff Moore signed the Consent Agreement; and (2) [t]he legal relationship between Yerushalayim TV and the Defendants at the time Plaintiff Moore signed the Consent Agreement[,]" Plaintiffs Judge Moore and Kayla Moore hereby respectfully submit the following based on the compelling facts and law of this case:

First and foremost, respectfully, the Court's inquiry is not germane to the overriding issue that disposes of the Court's inquiry.

Based on the express terms of the Consent Agreement, which was signed by Judge Moore and Yerushalayim TV ("YTV"), there was no waiver as to "any allegedly sexual oriented or offensive behavior or questioning." This portion of the Consent Agreement was crossed out by Judge Moore, and subsequently, this version of the Consent Agreement was agreed to and signed by YTV. Thus, based on simple, indisputable contract law, any claims arising from "any allegedly sexual oriented or offensive behavior or questioning" were not waived by Judge Moore. It is also indisputable that falsely and maliciously accusing an individual of being a pedophile on television falls under "any allegedly sexual oriented or offensive behavior or questioning." Thus, it simply does not matter who or what YTV was at the time, or who it was owned or operated by. The Consent Agreement does not govern this case, as shown by the express terms of the Consent Agreement itself.

Second, as set forth in Plaintiffs' Opposition to Defendants' Motion to Dismiss, ECF No. 55, the fundamental legal principle that a release does not extend to claims that a party does not know or suspect at the time of executing the release is deeply rooted in American law. For

example, in a landmark decision styled *E*Trade Fin. Corp. v. Deutsche Bank AG*, 420 F. Supp. 2d 273 (S.D.N.Y. 2006), the Court held unequivocally:

A release that employs general terms will not bar claims outside the parties' contemplation at the time the release was executed. New York law does not construe a general release to bar claims for injuries unknown at the time the release was executed, even when the release contains broad language (internal citations omitted); Cal. Civ. Code § 1542 (West 2005) [] ("A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.")

Id. at 284 (emphasis added); *see also Maddaloni Jewelers, Inc. v. Rolex Watch U.S.A., Inc.*, 354 F. Supp. 2d 293, 299 (S.D.N.Y. 2004). "It is also a firm principle of New York law that it is less likely that claims are covered by a general release if they are unknown at the time of the release." *Actrade Liquidation Trust v. Greenwich Ins. Co. (In re Actrade Fin. Techs. Ltd.)*, 424 B.R. 59 (S.D.N.Y. 2009).

IMPORTANTLY, AS SET FORTH ABOVE, NEW YORK LAW FOLLOWS AND THUS INCORPORATES CAL. CIV. CODE SECTION 1542, WHICH IS CRYSTAL CLEAR ON THIS POINT.

The Consent Agreement here is a "textbook" example of an improper and disallowed general release. Plaintiffs never intended to even appear on "Who is America?" much less be falsely accused of pedophilia before a world-wide audience.

Third, Defendant Cohen's name does not appear anywhere on YTV's initial filing with the Wyoming Secretary of State. *See Exhibit 1*. According to the Articles of Organization, the organizer of YTV was Jenifer Wallis. Defendant Cohen's name is nowhere to be found on YTV's Articles of Organization, much less CBS or Showtime. Additionally, as further evidence that YTV was nothing but a ruse to trick Judge Moore and others, it appears to have been dissolved in December of 2019. *See Exhibit 2*.

The U.S. District Court for the District of Columbia's ("D.C. Court") rationale for finding that Defendants could enforce the transfer provision of the Consent Agreement appears to have been based solely on the self-serving declaration of Todd Schulman. ECF No. 6-1 (Motion to Transfer). At the April 29, 2029 hearing, the D.C. Court held found, "Defendant submitted a declaration from the executive producer of the program which states this YTV is only owned by defendant Cohen. It's only owned through the production company which owns the program and licenses it that's a licensee then to defendant Showtime and CBS." At a minimum, Plaintiffs should be allowed to depose Mr. Schulman, as well as Defendant Cohen, should the Court determine that the issue of YTV's ownership is germane to the facts of the case.

BUT THIS IS UNNECESSARY IN ANY EVENT, AS THE CONSENT AGREEMENT DOES NOT APPLY GIVEN THE MEETING OF THE MINDS OF THE PARTIES WHO

EXPLICITLY AGREED THAT THERE NOT BE “ANY SEXUAL ORIENTED OR OFFENSIVE BEHAVIOR OR QUESTIONING!

In sum, while it is apparent from YTV’s formation documents that Defendant Cohen is not mentioned or listed, the Court need not even take this into account, as the Consent Agreement clearly does not govern this case. Judge Moore, at the time, had the foresight to not waive any claims pertaining to “any allegedly sexual oriented or offensive behavior or questioning.” This was agreed to by YTV. Thus, the Consent Agreement is inoperative given the facts of the case.

This honorable Court must now allow this case to finally move forward.

Respectfully,

/s/ Larry Klayman
Larry Klayman, Esq.
Counsel for Chief Justice Roy Moore

cc: Defendants’ counsel

EXHIBIT 1



2020 Carey Avenue
Suite 700
Cheyenne, WY 82002-0020
Ph. 307-777-7311

Ed Murray, WY Secretary of State

FILED: Oct 6 2017 11:08AM

Original ID: 2017-000771418

Limited Liability Company

Articles of Organization

I. The name of the limited liability company is:

YERUSHALAYIM TELEVISION, LLC

II. The name and physical address of the registered agent of the limited liability company is:

Hirst Applegate Registered Agent Services, Inc.
1720 Carey Ave Ste 400
Cheyenne, WY 82001

III. The mailing address of the limited liability company is:

900 Wilshire Blvd.
Suite 1000
Beverly Hills, CA 90212

IV. The principal office address of the limited liability company is:

900 Wilshire Blvd
Suite 1000
Beverly Hills, CA 90212

V. The organizer of the limited liability company is:

Jenifer Wallis
801 S. Figueroa St., 15th flr, Los Angeles, CA 90017

Signature:

Jenifer Wallis

Date: 10/06/2017

Print Name:

Jenifer Wallis

Title:

Attorney of record for LLC

Email:

jcw@manningllp.com

Daytime Phone #: (213) 553-2494



Secretary of State

2020 Carey Avenue

Suite 700

Cheyenne, WY 82002-0020

Ph. 307-777-7311

I am the person whose signature appears on the filing; that I am authorized to file these documents on behalf of the business entity to which they pertain; and that the information I am submitting is true and correct to the best of my knowledge.

I am filing in accordance with the provisions of the Wyoming Limited Liability Company Act, (W.S. 17-29-101 through 17-29-1105) and Registered Offices and Agents Act (W.S. 17-28-101 through 17-28-111).

I understand that the information submitted electronically by me will be used to generate Articles of Organization that will be filed with the Wyoming Secretary of State.

I intend and agree that the electronic submission of the information set forth herein constitutes my signature for this filing.

I have conducted the appropriate name searches to ensure compliance with W.S. 17-16-401.

Notice Regarding False Filings: Filing a false document could result in criminal penalty and prosecution pursuant to W.S. 6-5-308.

W.S. 6-5-308. Penalty for filing false document.

(a) A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both, if he files with the secretary of state and willfully or knowingly:

- (i) Falsifies, conceals or covers up by any trick, scheme or device a material fact;
- (ii) Makes any materially false, fictitious or fraudulent statement or representation; or
- (iii) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

I acknowledge having read W.S. 6-5-308.

Filer is: An Individual An Organization

Filer Information:

By submitting this form I agree and accept this electronic filing as legal submission of my Articles of Organization.

Signature: Jenifer Wallis

Print Name: Jenifer Wallis

Title: Attorney of record for LLC

Email: jcw@manningllp.com

Daytime Phone #: (213) 553-2494

Date: 10/06/2017



Consent to Appointment by Registered Agent

Hirst Applegate Registered Agent Services, Inc., whose registered office is located at **1720 Carey Ave Ste 400, Cheyenne, WY 82001**, voluntarily consented to serve as the registered agent for **YERUSHALAYIM TELEVISION, LLC** and has certified they are in compliance with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

I have obtained a signed and dated statement by the registered agent in which they voluntarily consent to appointment for this entity.

Signature: **Jenifer Wallis**

Print Name: **Jenifer Wallis**

Title: **Attorney of record for LLC**

Email: **jcw@manningllp.com**

Daytime Phone #: **(213) 553-2494**

Date: **10/06/2017**

STATE OF WYOMING
Office of the Secretary of State

I, ED MURRAY, Secretary of State of the State of Wyoming, do hereby certify that the filing requirements for the issuance of this certificate have been fulfilled.

CERTIFICATE OF ORGANIZATION

YERUSHALAYIM TELEVISION, LLC

I have affixed hereto the Great Seal of the State of Wyoming and duly executed this official certificate at Cheyenne, Wyoming on this **6th** day of **October, 2017** at **11:08 AM**.

Remainder intentionally left blank.



Filed Date: 10/06/2017

A handwritten signature of Ed Murray, followed by a stylized "JW" monogram, both underlined. To the right of the signature, the text "Secretary of State" is printed.

Filed Online By:

Jenifer Wallis

on 10/06/2017

EXHIBIT 2

STATE OF WYOMING * SECRETARY OF STATE
EDWARD A. BUCHANAN
BUSINESS DIVISION

Herschler Bldg East, Ste.100 & 101, Cheyenne, WY 82002-0020

Phone 307-777-7311

Website: <https://sos.wyo.gov> · Email: business@wyo.gov

Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	YERUSHALAYIM TELEVISION, LLC		
Filing ID	2017-000771418		
Type	Limited Liability Company	Status	Inactive - Administratively Dissolved (Tax)

General Information

Old Name	Sub Status	Current
Fictitious Name	Standing - Tax	Delinquent
Sub Type	Standing - RA	Good
Formed in	Standing - Other	Good
Term of Duration	Filing Date	10/06/2017 11:08 AM
	Delayed Effective Date	
	Inactive Date	12/09/2019

Principal Address

900 Wilshire Blvd
 Suite 1000
 Beverly Hills, CA 90212

Mailing Address

900 Wilshire Blvd.
 Suite 1000
 Beverly Hills, CA 90212

Registered Agent Address

Hirst Applegate Registered Agent Services, Inc.
 1720 Carey Ave Ste 400
 Cheyenne, WY 82001

Parties

Type	Name / Organization / Address	
Organizer	Jenifer Wallis 801 S. Figueroa St., 15th flr, Los Angeles, CA 90017	

Notes

Date	Recorded By	Note
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Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	YERUSHALAYIM TELEVISION, LLC		
Filing ID	2017-000771418		
Type	Limited Liability Company	Status	Inactive - Administratively Dissolved (Tax)

Most Recent Annual Report Information

Type	Original	AR Year	2018
License Tax	\$50.00	AR Exempt	N
AR Date	11/14/2018 5:49 PM		
Web Filed	Y		

Officers / Directors

Type	Name / Organization / Address
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Principal Address	Mailing Address
900 Wilshire Blvd Suite 1000 Beverly Hills, CA 90212	900 Wilshire Blvd. Suite 1000 Beverly Hills, CA 90212

Annual Report History

Num	Status	Date	Year	Tax
03965310	Original	11/14/2018	2018	\$50.00

Amendment History

ID	Description	Date
2019-002705779	Dissolution / Revocation - Tax Filing Status Changed From: Active To: Inactive - Administratively Dissolved (Tax) Inactive Date Changed From: No Value To: 12/09/2019	12/09/2019
2019-002656956	Delinquency Notice - Tax	10/02/2019
2018-002380715	Delinquency Notice - Tax	10/02/2018
See Filing ID	Initial Filing	10/06/2017